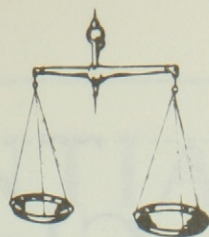


# Quid Novi



VOL. V NO. 8 LAW LIBRARY MCGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT UNIVERSITE MCGILL

October 31, 1984  
31 octobre, 1984

OCT 31 1984

## Canadian Council on International Law

by Terry Pether

From October 18-20, lawyers, law professors, and students converged on the nation's capitol for the eighth annual Conference of the Canadian Council on International Law. There were several sessions within the walls of Ottawa's venerable Chateau Laurier, all of them considering approaches to various transnational issues including investment disputes, trade in computer services, the environment, and arms control and disarmament.

One of the first sessions addressed the problem of extra territoriality. The three speakers offered different proposals for resolving Canadian-American disputes in this area. Louis Sohn, of the university of Georgia, concentrated on the findings of a report issued jointly by the Canadian and American Bar Associations in 1979. It was Sohn's submission that problems of extraterritoriality between our two countries are best resolved when referred to a third party using a mutually agreed upon and uniform set of rules. As an example, he pointed to the recent International Court of Justice decision respecting the Gulf of Maine dispute.

Barry Mawhinney from the Department of External Affairs stressed that the ongoing friendship between

Canada and the U.S. compelled a less rigid approach than resorting immediately to public international law. He noted that policy considerations are almost always significant; thus both sides require control over the outcome of any settlement. Negotiations undertaken in good faith as between close friends, Mawhinney said, surely lead to effective compromises. Indeed, as he pointed out, thousands of disputes have been resolved through diplomatic channels. However, it is only the Gulf of Maine cases that are publicized.

Douglas E. Rosenthal, an international lawyer from a Washington D.C. firm, believed that the lack of agreement on principles for submitting problems for arbitration was the essential obstacle to overcome in order to improve the bilateral resolution of disputes. Rosenthal eloquently concluded the session by citing the golden rule, "don't take enforcement action against those whom you wouldn't like to do the same to you."

Approaches to resolving human rights disputes was  
**Cont'd on p. 6**

## Droits linguistiques minoritaires

par Gary Nachshen

Lundi le 5 novembre prochain est une date à retenir. Ce jour-là, Forum National présentera son troisième colloque annuel, au Moot Court de la Faculté. Suite aux succès éclatants que connurent les conférences précédentes, soit celle portant sur la Charte canadienne des droits et libertés, en 1982, et celle sur la Censure et la pornographie, en 1983, il est impératif que vous assistiez au colloque de cette année.

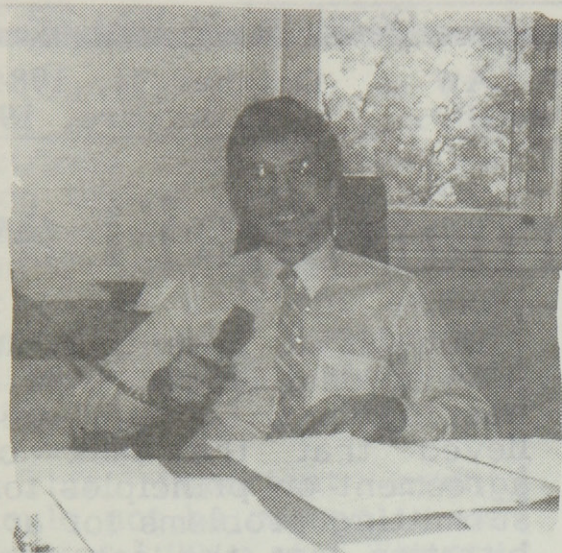
En effet, le thème de la présente conférence est: "Droits linguistiques minoritaires au Canada." Le colloque sera réparti en deux phases. En matinée,

soit de 10h à 12h45. Le sujet traité sera celui des "Droits linguistiques des minorités: Une évaluation de la situation actuelle". L'approche sera axée sur les conséquences de la législation, le rôle des tribunaux et des écoles de même que la formation linguistique obligatoire pour les professionnels. La seconde partie, intitulée "Droits linguistiques des minorités: Une perspective d'avenir," se tiendra de 13h45 à 17h et considérera notamment l'impact des Charte des droits tant fédérale que provinciales, le rôle des groupes de pression et les conflits entre le bilinguisme et le multiculturalisme.

**Cont'd on p. 10**



# Kaufman: Clarity on Ice



by Eric Roher

The school term is still young, and it's too early to assess, in a definitive way, the ability of many of our professors to effectively convey ideas. But if one is to talk with the students of Professor Allan Kaufman, now in his first year of full-time teaching, the most frequent comments concerns his ability to make things clear.

While some professors see teaching law as the last of the great "blood sports" and others enjoy operating in an intellectual middle, often caught up in a harried pursuit of extraneous tangents -- Professor Kaufman takes a different approach. He attempts to make the law intelligible. The man strives to present what may be complex and difficult concepts in a concise and coherent manner. He gives straightforward examples in order to illustrate the points he's trying to make. He invites students to ask questions in order to clarify uncertainties. One could easily get the impression that he sincerely enjoys the material he's teaching.

Allan Kaufman comes to McGill after experience in

both the working world as a practising lawyer and the academic world as a graduate student at Oxford. Originally from Winnipeg, he received both his Bachelors (majoring in Political Science) and his law degree from the University of Manitoba. After taking the Manitoba bar, he worked for six years with the Winnipeg firm of Buchwald, Asper. His major areas of practice were commercial litigation, bank receiverships, and personal injury litigation. He spent much of his time in the courtrooms of the Manitoba Queens Bench and the Court of Appeal, arguing a range of Personal Property and Security Act and receivership cases. In addition, for two years during that period, he taught part-time in the Faculty of Law at the University of Manitoba.

But Kaufman had an itch to get away. Since completing law school he had wanted to take a Masters in Law, but with his involvement in and the strain and stress of private practice it was difficult to negotiate a year off. Finally, with the firm's support, he came to the conclusion that it was now or never.

He describes his time at Oxford as "the best year of my life." Academically he excelled, winning the Sir Rupert Cross Award for high standing in the Masters of Law program. But academics were not the only thing on his agenda. The highlight of his year was playing on the Oxford University hockey team.

When he began his term at Oxford, he didn't know that they had an ice hockey squad. He found out about

the team mid-way through the semester, after the tryouts had taken place and the team had been picked. Nevertheless, he was determined to make the team. As an "experience ball hockey player from Winnipeg", he says that he's not too proficient at the fundamentals of skating, but when it comes to stickhandling, WATCH OUT! The man is simply dazzling. He adds that he's willing to throw his weight around when he has to.

Although the Oxford team had already been chosen, they allowed Kaufman to accompany the team (i.e. to carry their bags) to an away game against the Dublin Medical College. Before the game, one player suddenly came down with the flu and Kaufman got his big break. They put him on left wing ("This does not represent my politics"). He managed to score a goal, and the rest, as they say, is history. In addition to playing in the regular English University league, he accompanied the team on a tour across Europe, playing teams from local towns in the French Alps and Switzerland.

Last spring Kaufman packed up his skates, stick and assorted memorabilia and after officially announcing his retirement from hockey, he accepted an appointment to teach law at McGill. This semester he's teaching Commercial Transactions and Advanced Torts, and in the second semester Remedies. In terms of his teaching philosophy, Kaufman says that he will try to prepare students for "practical legal work while at the same time giving

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# CONFIDENTIAL NOTE

(Brian, Pierre and René)

You asked for a rundown on the state of law schools in this country and my contribution, I hold, fulfills the terms of our separate contracts, notwithstanding the fact that you will not like what you are about to hear.

We learned right at the start that the new Constitution with its Charter of Rights and Freedoms, Pierre, is an 18th Century document, reflecting as it does the fluidity of Descartes' thought, amended and adjusted by such political realities as the need to please the Premiers (sorry, René).

Another of those realities is the need to subject the whole package of immutable rights to a series of escape clauses and some of our professors secretly take heart in this, not believing in the priority of rights and holding that the law in general and the Charter in particular reflect oldfashioned black-letter forms (similar to Plato's Ideas, Pierre) which do not therefore reflect the richness of what (we assume) they think is a society chaotic at root. We learned that much about the Constitution in Contracts, whereas in Constitutional we learned that Canada was never truly free until 1945, that we would be better off as a republic and that the late, eminent former Chief Justice, Bora Laskin, went back and forth like a pingpong ball. (We were not told that explicitly. It showed up in the cases).

This brings us to Foundations, a class concerned with the undergarments of the Canadian legal system.

The legal system is to be understood in about six different ways and from these we -- the future leaders of the nation from

a school which already produced two prime ministers -- are to pick among them and apply them as modified by the express will of the people (and perhaps even on the basis of polls). In Contracts we spend most of our time attempting to figure out how a case is to be judged given that reason does not apply and "the mutual dance of the wills" is neither an Hegelian dialectic nor a Platonic one. But in Foundations we attempt to discover what the professor really holds as a view of his own. He has taken us through the earthbound thought of a variety of empiricists, realists, pragmatists, relativists, sophists, sceptics, and similarly falsifiable creatures. He appeared to be on the fast track to participating in the great return to rationalism that might be going on here. But he proceeded to "trash" the objective rationalists in a fashion which would have made a Critical Theorist weep with passion. (Apparently, the legal version of this bomb-throwing theory is called Critical Legal Scholarship (CLS) and it is so dominant in the universities that (Brian) we see just cause, for invoking Pierre's War Measures Act, a plan that would also allow you to neutralize, quietly, all the Nazis that you never really wanted in your party anyway. Or did you?

It might be concluded that CLS is a minor element in Canadian legal thought and, indeed, we are of the opinion -- after careful consideration -- that our

professor of Foundations is secretly a rationalist.

Maybe he wants us to know all the different theories so that we can read our judges when we graduate. But we take our cue from the notion of choice. How can we have

a choice if the modified self-unfolding of reason or the dominance of the modes of production or the complete rule of cultural norms, unstated and unpublic, were secretly determining our decisions? To make the choice, we must be rational. To offer us the choice, our Foundations prof must be rational. To be critical of the choice, our Contracts prof must be moderately rational. To choose a republic in a nation famous for its willingness to seize history and to take risks, to grasp the moment etc. must be a rational act by our Constitutional professor. This brings us -- at least those in the A to L group, first year -- to the thorny question of Property.

It would appear no one owns property. (Drop that Pine Avenue, outdated-trendy piece of architecture, Pierre). We have learned that the Good Queen of old Britain, the heir to the ancient colonizers, actually owns it. We apparently have only a variety of rights and, apparently, they can be taken away, especially since you (Pierre) conveniently forgot to enshrine them in the Constitution. But we have learned, via a U.S. case in Constitutional class, that there is a right to petition the Queen. Maybe this would work, although it didn't work for the Indians (Right Pierre?).

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# LETTERS

To Richard Janda,

Re your comment in the last issue of Quid Novi: It may very well be that in keeping up with your daily presidential functions you lack the time to read any paper other than Quid Novi. For this reason I thought it would be helpful to bring the words of the Gazette's Ian MacDonald to your attention. "Even in Ontario, hardly anyone wants to admit he comes from Toronto... And there you'll find the reason that coming from Toronto is rather like having leprosy." I hope that I have been helpful in this matter.

Yours truly,  
Julie T. LaTour

Thank You

To all of you my warmest thanks for your kindness and caring during a difficult time for me. Your thoughtfulness has helped to ease the sadness of bereavement.

Ilana Lederer

## RESPONSE Response to Roher

I would like to thank Leonard Abramowicz for the thoughtful and incisive comments in his recent letter to The Editor (October 24). Mr. Abramowicz made a number of interesting observations in his response to my article "Too many Lawyers?". I should like to focus on two points.

First, Mr. Abramowicz contends that "if there are actually too many lawyers out there for society's

good why should we not decide, in a planned and rational manner, that our nation will produce fewer lawyers." On these grounds he is arguing in favour of restricting enrollment to law faculties across Canada.

I am all for taking a rational and planned approach in setting law school enrollments. This is far preferable than reacting in an ad hoc or arbitrary manner to the "perceptions" of some practicing lawyers who understandably want to protect their own interests. But Mr. Abramowicz should be informed that the most rigorous projections undertaken to date indicate that the current oversupply of lawyers is a short-term problem.

In a report commissioned by the Law Society of Upper Canada, Professor David Stager, an economist at the University of Toronto, projects that in the next 10-15 years, demand for legal services will likely increase more quickly than the supply of lawyers. In a 1983 article in Canadian Public Policy Stager says that the demand for services of lawyers in private practice will depend primarily on real economic growth, and secondarily on policy changes such as may affect legal aid and the development of demand by citizens in the middle income range. He submits that the most likely future scenario will feature economic growth of 3 percent annually, demand for lawyers increasing at 4 to 6 percent, and lawyers supply increasing at perhaps 1 or 2 percent. Stager concludes, "It seems most improbable therefore that

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# The Crépeau Legacy: The Elevation of the Civil Law to the Status of Divinity.

A Play in Two Acts

by Tony Abruzzese

**Prologue:** In times of recession, one often wonders what the value of a university education really is. For some, it serves a purely mechanical function, based on a sterile process of learning. For others, it is an inspirational tool, vested in colourful parlance and vitality. It is for the latter that we must reserve our following scene. We have thus chosen from a number of deserving candidates, a law professor who embodies that very spirit. Here is a typical classroom situation involving Prof. P.A. Crépeau and a student-disciple.

## Act I

### Scene 1.10001

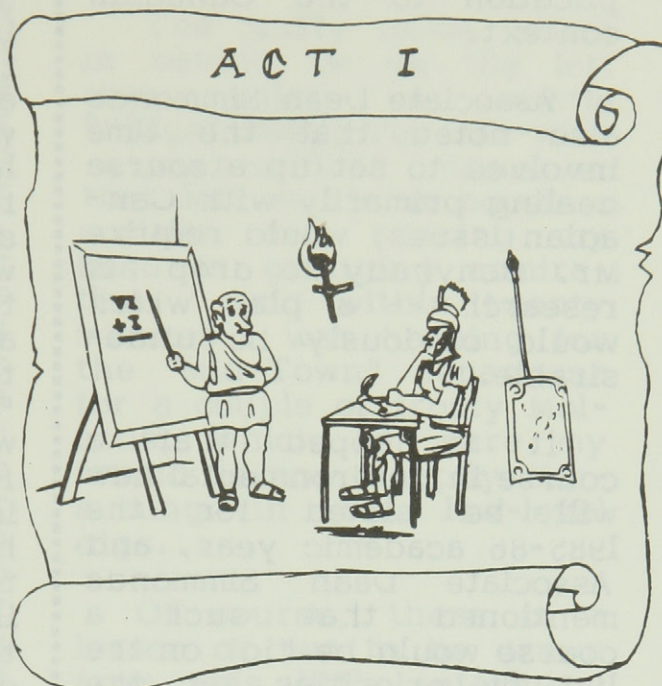
**Stage Directions:** Curtain opens. We see Prof. Crépeau clad in a Roman toga, white in colour (symbolizing the sanctity of the civil law).

Crépeau: Go my lad, I confer upon you this new \$250.00 Civil Code -- go out there and conquer the world! Veni, vedi, vici.

Disciple: But Sir, of which powers am I vested to enforce it?

Crépeau: Say no more, my son. Whenever you shall speaketh in latin phrases, the sacred character of your very words shall undoubtedly find solace in the purity of the Civil Law. You shall go now -- and may the Institutes of Justinian oversee your perilous path in this world of imperfect, perverted Common Law.

Disciple: (flipping through his Crépeau Code) But Sir,



there are at least 50 pages missing in this code--

Crépeau: (cutting short) It matters not. Would you rather have purchased a \$20.00 edition from Wilson and Lafleur or Kingsland, both of which are known to contain at least 3 spelling errors? Inconceivable that you should even express such concern.

Disciple: Then I shall say no more -- except that since I've been converted into a Civilian, my girlfriend has become annoyed at the... (hesitating)

Crépeau: what is it?

Disciple: well... (visibly annoyed)

Crépeau: (pompous) Speak if you want to be heard! Spiritus ubi vult spirat!

Disciple: My girlfriend is deeply worried about the irregularity of my sexual performance...

Crépeau: Fear not! (Emphasis) It is the intensity of your obligation which counts. Toward your girlfriend, you have but an obligation of diligence,

not result. Thus, you are exempt from performing since the Civil Law is, as we say in French, "une force majeure". Now, I must warn you. There is one more step to make your apprenticeship complete as a Civilian.

Disciple: Yes?

Crépeau: You must, before entering the premises of any court room, go unto a pilgrimage to France and visit the home of Pothier. There, you shall find a library of traditional vintage. Search the shelves carefully, and you will smell the perfume, the aroma of Pothier's 19th century collection. To perform this juridical act, you must acquire, what we call in French "le pit au nez". Thereafter, you will possess an intellectual drug capable of crushing the minds of your most tactetious opponents. Understood?

Disciple: You mean, it will have the effect of a "joint" (motioning with his fingers as if smoking a joint) obligation?

Crépeau: Precisely. (in pontifical tone) Your journey must now begin. Qui habet aures audiendi, adiat. Quid Novi? Pax vobiscum ad aeternam. Ave!

**End of Scene. Lights Dim. Curtain Closes.**

**"Act II" Next Week**

**The Best Things in Law School are Free!**

Last call to pick up your examination number and verify your transcript at the Student Affairs Office.



## Environmental Law Nixed

by Pearl Eliadis

For those of you who have not noticed the notices, the fledgling Environmental Law course which was successfully lobbied for last term has had its wings cut.

According to Associate Dean Simmonds, it was hoped that the research being conducted by Mr. Bonyhady (who was originally intended to teach the course) would provide a sufficient common law background for a course directed primarily at North American environmental issues. As it turns out, Mr Bonyhady's thesis centers around specific Eng-

lish legal issues and would have extremely limited application to the Canadian context.

Associate Dean Simmonds also noted that the time involved to set up a course dealing primarily with Canadian issues, would require Mr. Bonyhady to drop his research -- a plan which would obviously be undesirable.

It is hoped that a course in Environmental Law will be slated for the 1985-86 academic year, and Associate Dean Simmonds mentioned that such a course would be high on the list of priorities for the next hiring session.

strode arrogantly to the podium.

He began with the premise that the UN, the USA, and Argentina prove that international law is a thing that "the evil ignore and the righteous don't want to enforce". He then lambasted the United States for invading Granada to save a few medical students who were only there because they could not get accepted anywhere else. He went on to accuse Argentina of "ideological claptrap". With Mr. Cominos and Mr. Rosenstock, from the American Mission to the UN, to his right, Green continued to raise their ire by saying that Argentina's claim to the Falklands was of no consequence since the past does not matter anyway and the UN Charter which forbids the use of force, is totally ineffective.

## International

Cont'd from p.1

another topic on the CCIL's agenda. Yvon Bealine, former Canadian Ambassador to the Human Rights Commission of the UN, discussed the important role of the UN in mitigating human rights abuses through diplomatic persuasion and mobilization of public opinion. In a related talk, Anne Bayefsky, of the University of Ottawa, chronicled the work of the European Court of Human Rights, noting its valuable contribution in reducing the notion of total sovereignty within nations thus compelling their willingness to accept international decisions as a basis for acceptable behaviour.

Amy Young came to Ottawa from Virginia to promote the International Human Rights Law Group. She invited and encouraged Canadian lawyers to form a similar group in Canada. The violation of human rights, she asserted, is an international law issue.

She considered it the duty of private lawyers, free from political allegiances, to actively involve themselves in keeping their governments and legislatures constantly apprised of violations of human rights. Where human rights are being violated, and are becoming a subordinate policy issue, lawyers should challenge their governments.

The liveliest session of the conference concerned approaches to the use of force and the restoring of peace, with special reference to Granada, Central America and the Falklands/Madinnar. Ambassador Couminos of the Organization of American States followed with his reading of a boring text which praised the value of the OAS and the UN in seeking peaceful settlements.

Next the abrupt and inimitable prof. Green from the University of Alberta

While Mr. Cominos was left to squirm in visible fury, Mr. Rosenstock presented a forceful defence. He claimed that the UN's peacekeeping function is alive and well if countries are willing to recognize it. Those that do not recognize it pay a costly price in becoming a social "laughing stock".

All of the sessions offered many ideas and provoked several questions which, unfortunately, for lack of time, could not all be addressed and debated within the forum provided. But there was much time for conversation. Like many meetings of minds, it is not so much the substance of discussions as their merely taking place that is important.

The conference brought together academics, lawyers, and students from Canada and beyond to a meeting capped by a reception.  
**Cont'd on p. 8**



## Observations

I was playing chess today with a fellow who lives in the basement of our building, down by the washing machines. We were sitting in the park across the way, taking advantage of the Indian summer, and watching the traffic roar by on Dorchester Blvd. between moves. He's a funny guy, this downstairs neighbour of mine; one of those long-haired types with a young face that looks older and wiser, and who's fond of alluding to Woodstock without ever coming right out and saying "I was there". (Because he probably wasn't.) But regardless, he's quite a chess player, and offered me 3-1 odds on a couple of beers, so I took him on. (I figured what the heck -- if I lose, it's not much; and if I win, I can start paying off some of my World Series debts...)

The game was pretty even through the first few moves. We traded pawns and kind of jockeyed for position; feeling each other out, as they say. We even had an audience. A couple of rubbies who were surveying us dubiously when they weren't arguing incoherently about who owed the other six dollars. (I thought about giving them three and asking them to go away, but that tactic usually doesn't work; they just ask for more.) So I let them ramble on and tried to concentrate on the game, searching for a weakness in my opponent's strategy. Then, after three or four more moves, I thought I'd found it. He had castled into his right hand corner and I was sure that I could use the old "sacrifice-your-knight-to-take-the-pawn-and-then-zoom-in-with-your-queen" trick that I had used so effectively

against the unflappable Ray Ouellette on at least a dozen previous occasions.

But it didn't work.

The crafty fellow snuck in behind me on the left side using a subtle "knight-castle-reverse-with-a-pawn-option" manoeuvre that left me in a hopeless position and shaking my head in grudging admiration. And within twenty minutes I was heading for the "Mid-Town" depanneur for a couple of frosty Molsons, which I'm sure my friend is now happily consuming in his low-level digs...

Of course, there is a lesson or two to be drawn from this little interlude. The first is that one should never be too sure of oneself when there's beer on the line. The second is that it must be awfully difficult to cover chess tournaments for a major newspaper. And lastly, but perhaps most important, is that if you think something is right, in your own mind, then do it. Because in the long run what do you have to lose? \$2.50 and an ounce of pride that wasn't worth anything to begin with, right?...

Scott Turner

## Kaufman

Cont'd from p. 2

them an opportunity to critically analyze the law with which they are dealing." As the term progresses, and his students try to stickhandle through more difficult material, they hope that he continues his willingness to keep things clear.

-----  
"Factum writing is an art, and we're still finger-painting."

Two Aspiring Artists

## FOGARTY'S DAYS IN THE CORRIDOR

Four years of law school. Classmates pushing pencils and grey hairs. And pushing always turns to shoving when exams come around.

And yet despite it all, there are moments that inevitably linger in one's recollection of the way "it" used to be in the beginning. "It" is the best possible description of life in law school, on the bad days. "It" often happened when the failure rate in Prof. Scott's classes nudged 30%. "It" occurred as well when naive first year students encountered Prof. Somerville's diagrammatic universe.

And what of a student known as "Menachem the Wanderer", that albatross of the fall semester of 1981? I used to believe nothing could surpass Menachem's antics. No one could collide with a door in so many ways. No one else could possibly sit 40 minutes into a class and then realize he was attending the wrong one. The man had panache, pure and simple.

But, lo and behold, something else did happen in that fall semester of 1981. In fact, it happened during an Obligations class. But most of us were so busy drilling down every single word from Prof. Crépeau's; "répertoire",

Cont'd on p. 9



# DONUTS

Phi Delta Phi's annual Donut-Eating Contest for the Quebec Heart Foundation was a tasty success. Attendance was excellent as all prim and proper law students encouraged our honourable eaters to stuff their faces.

After eating fifty donuts in record time, Joe Starnino ran to the cafeteria in a frantic search for more food. Harold's daughter was the only eater to maintain her composure throughout. Professor Sklar failed to finish all his donuts, which is nothing new. He never finishes class on time either. Shortly after the event, an unnamed member of the L.S.A. reported that Ian Bandeen's shades of green were just beautiful for this time of year.

Phi Delta Phi would like to thank all sponsors and eaters for their time, effort and donations. We hope to collect a substantial sum of money for the Quebec Heart Foundation.

**Mitchell Brownstein**  
Social Director  
Phi Delta Phi

## Confidential

Cont'd from p. 3

Brian, if this landscape seems a little murky, bear in mind that the University of Montréal is said to be dominated by Marxists. Perhaps our profs are attempting to give the other side a theoretical grounding upon which to defend its putative views. Our friends in other law schools across the country cannot believe what we study. They study cases.

**An Honourable Student**

### DEAN'S HOT SEAT

Thursday, November 1st, at noon. Problems? Questions? Take them to the Dean.

Everyone welcome!

### 100 Years of Women at McGill Present:

#### a Victorian Soirée

Friday, November 2, 1984 at 8:00 p.m. West Lounge, Royal Victoria College, 3425 University.

An evening of Victorian music, poetry, and refreshments.

Tickets are available at Sadie's and at the door.

\$3. McGill students

\$4. general public

## International

Cont'd from p. 6

tion, hosted by the Department of External Affairs, flowing freely with champagne on silver trays. Despite the absence of Joe Clark who was rumoured to attend, the gathering affirmed the educational and social opportunities offered by the CCIL to those interested in international law.

Organizers were especially impressed with the number of students registered for the event. McGill's law school was well represented this year, and as the news spreads, more students will surely look forward to next year's meeting.

*Funny thing about  
the New Dean.*



*Everyone says  
it's easy to get  
close to him,  
yet it's  
hard to see  
exactly what  
they mean.*





# FOGARTY

Cont'd from p. 7

that somehow, it went by unnoticed.

Prof. Crépeau could have easily been remembered for his wholehearted fascination with Pothier's birthplace and the Institutes of Justinian. Or for his love of the Mazeaud Brothers (whom we believed were stars in a circus act). But history would have it otherwise when an inquisitive student put his hand up and asked a superfluous question, shattering the master's train of thought. Prof. Crépeau suddenly paused -- a pause conditioned by twenty-five years of answering superfluous questions -- then he spoke:

"C'est dans les tomes.

"It's in the books."

Little did he know his words of wisdom would carry far beyond the confines of the classroom on that winter day. Lest we forget, the words have echoed in the faculty corridors for every single day of every single semester in the past four years. I know. Stephen Fogarty speaks thus.

**Tony Abruzzese**  
LL.B IV

## Response

Cont'd from p. 4

there will be a surplus of lawyers in the next decade. Any quota on law school enrollments or admission to the Bar would be inappropriate".

Ironically enough, although the Law Society of Upper Canada commissioned this report, they have promptly ignored Professor Stager's conclusions. Instead, the Law Society, under intense pressure from its members, has voted to

try to reduce enrollment. But even its own Special Committee on Numbers admits, in their 1983 report, that it is "extremely difficult to gauge what number [of lawyers] would be needed in practice five or more years in the future."

Second, Mr. Abramowicz contends that maintaining the current level of enrollment to law schools may "lead to scores of unemployed law school graduates in the near future." To quote Walter Mondale, I think this point is a "non-starter". People who graduate with a law degree and choose, for whatever reason, not to enter private practice, will find themselves with relatively marketable skills to be applied in areas such as government, business, and journalism. A recent report by the Committee of Ontario Law School Deans indicates that the number of students studying law with the intention of not practicing has increased significantly over the last decade and this trend is continuing.

Overall, much of this debate revolves around one fundamental issue, namely, what is the purpose of a legal education? It seems to me that law school is more than an assembly-line process to produce practicing lawyers. Law schools are increasingly being recognized as places of learning, of critical analysis and education for broader purposes than private practice. If the law Societies in Canada were to succeed in restricting enrollment in law faculties, I submit that the essence of what law school is (and should be) about would suffer irreparable harm.

**Yours very truly,**  
**Eric Kohr**

## Notre Journaliste de Doyen! par Julie LaTour

Depuis le début du trimestre, il est un événement qui a réussi à soulever l'enthousiasme et l'unanimité de tous les étudiants de cette pittoresque enceninte; l'apport du Doyen Macdonald à notre cher hebdomadaire, le Quid Novi!

En effet, la démarche du Doyen fut accueillie de façon très positive puisqu'elle favorise l'accroissement de la communication entre la communauté estudiantine et la Faculté. Cette forme d'échange a fait vraisemblablement émerger une sensation de rapprochement, sinon de complicité, entre les intervenants. De plus, puisque les propos du Doyen étaient dépouillés de tout paternalisme, son message fut perçu dans toute son ampleur.

De "Address to Entering Class 1984" à "Noise in the Library", les articles du Doyen sont avérés très enrichissants en suscitant le développement d'un sentiment d'appartenance chez les étudiants de première année et en engendrant la réflexion chez les autres. Grâce à son inhérente humanisation du cadre hiérarchique, cette communication crée inévitablement des liens et, par conséquent, engendre des rapports de compréhension.

La carrière journalistique naissant du Doyen Macdonald étant, de par les réactions qu'elle suscite, vouée à un incommensurable succès, il est à souhaiter qu'elle devienne également une source d'inspiration pour les autres membres de la Faculté...

"Law is not always logical, nor in accordance with everyday reality".

**Prof. Haanappel,**



## FORUM NATIONAL presents

Conference on Minority Language Rights in Canada  
Colloque sur les droits linguistiques minoritaires  
au Canada

### PARTICIPANTS

1. The Honorable Justice Jules Deschênes, former Chief-Justice of the Québec Superior Court;
2. The Honorable Gérard Godin, Québec Minister of Immigration and Cultural Communities;
3. The Honorable Roy McMurtry, Attorney-General of Ontario; and
4. M. Albert Roy, Q.C., former Liberal MPP from Ottawa.
5. Michael Goldbloom, V.P. Alliance Québec;
6. D'Iberville Fortier, Official Language Commissioner of Canada.

[We are also in the process of arranging for a representative from Manitoba to attend.]

### PROGRAMME

#### I. Minority Language Rights Today: An Evaluation

1. Impact of legislation
2. The role of the courts
3. The role of the schools
4. Professional language training

#### Schedule

- 10:00h - 11:30h: individual presentations
- 11:30h - 11:45h: break
- 11:45h - 12:45h: discussion and question period
- 12:45h - 13 45h: lunch

#### II. Minority Language Rights Tomorrow: Prospects and Possibilities

1. Implications of federal and provincial charters
2. Bilingualism v. Multiculturalism
3. The role of activists

#### Schedule

- 13:45h - 15:15h: individual presentations
- 15 15h - 15 30h: break
- 15 30h - 16:30h: discussion and question period
- Reception will follow

Monday, November 5, 1984

McGill University  
Faculty of Law  
3644 Peel St., Montreal  
All sessions will take  
place in the Moot Court.  
Toute la programme aura lieu  
au "Moot Court".

Students & Faculty:  
Free Admission  
Others: \$3.00

## Droits Linguistiques

Cont'd from p. 1

Comme conférenciers, Forum National est fier de présenter six personnalités de grande renommée. Le premier conférencier sera M. le juge Jules Deschênes, ancien juge-en-chef de la Cour supérieure du Québec et auteur du célèbre arrêt Protestant School Board dans lequel il fut décidé que la Charte canadienne des droits et libertés avait préséance sur la Loi 101. On entendra par la suite M. D'Iberville Fortier, le nouveau Commissaire aux langues officielles du Canada et premier francophone à occuper cette fonction.

Les troisième et quatrième exposés sont présentés par des intervenants aux vues diamétralement opposées: le Ministre des Affaires linguistiques, M. Gérard Godin, et le Vice-président d'Alliance-Québec, M. Michael Goldbloom. Enfin, le contexte ontarien sera présenté par le Procureur-général de cette province, M. Roy McMurtry et l'ancien député provincial libéral de la circonscription d'Ottawa-Vanier, M. Albert Roy.

Le colloque sera structuré de façon à stimuler l'échange et la discussion. Il y aura, dans chacune des deux parties, une période d'une heure consacrée aux questions de l'assistance. Les modérateurs seront les Professeurs Suzanne Birks et Irwin Cotler.

Pour clore la journée, Forum National offrira gratuitement une réception dans le Common Room, alors que les participants pourront s'adresser directement aux conférenciers.